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Notice of Allowability	Application No.	Applicant(s)	
	10/826,714	HERMAN ET AL.	
	Examiner	Art Unit	
	Steve R. Crow	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the phone conversation on 10-22-07.
2. ☒ The allowed claim(s) is/are 32,4-6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>4-29-04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

As stated on page 2 of the Office paper dated 10-09-2007:

A review of the edan records shows that a response was filed June 1, 2005, in the form of an election response. The timely response was misidentified as S.N. 10/828714. See attachment.

Since the application was in a pending status, the application is still in pending status. Accordingly, although a Notice of Abandonment was never mailed, the holding of abandonment is withdrawn and the application restored to pending status. The application file will be forwarded to the TC 3700 technical support staff for processing of the election response.

Kevin Sirmons
Supervisory Patent Examiner
Patent Examining Art Unit 3764

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donald Ersler on October 22, 2007.

The application has been amended as follows:

Claims 1-3,21-31 have been cancelled.

Please enter new claim 32:

-- 32. A method of exercising the forearms and wrists of a user, comprising the steps of:

retaining rotationally a driver wheel relative to a stationary object;

engaging a driven wheel with a perimeter of said driver wheel;

providing means for increasing the force of said driven wheel against said driver wheel;

extending a unitary handle rod from said driver wheel, said handle rod being rotated by the hands of the user;

providing a base frame having a wheel yoke attached to a mounting plate, attaching said mounting plate to the stationary object, pivotally retaining said handle rod in said wheel yoke;

rotationally attaching one end of a driven yoke to said wheel yoke, pivotally retaining said driven wheel in the other end of said driven yoke adjacent said driver wheel; and

wherein the user's hands remain generally coaxial with said handle rod during exercise.—

In claim 4 line 2, "2" has been changed to --32-- .

In claim 5 line 2, "1" has been changed to --32-- .

In claim 6 line 2, "1" has been changed to --32-- .

The following is an examiner's statement of reasons for allowance:

The prior art fails to show a method of exercising the forearms and wrists of a user, comprising the steps of: rotating a driver wheel ;engaging a driven wheel with a perimeter of the driver wheel; providing means for increasing the force of the driven wheel against the driver wheel; extending a unitary handle rod from the driver wheel; providing wheel yoke attached to a mounting plate, attaching the mounting plate to the stationary object, pivotally retaining the handle rod in the wheel yoke; rotationally attaching one end of a driven yoke to the wheel yoke, pivotally retaining the driven wheel in the other end of the driven yoke adjacent the driver wheel; wherein the user's hands remain generally coaxial with the handle rod during exercise.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve R. Crow whose telephone number is 571-272-4973. The examiner can normally be reached on Max flex ;Off First Friday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on 571-272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SC


Stephen R. Crow
Primary Examiner